

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK LINE, LIMITED,

Plaintiff,

v

NATIONAL AIR CARGO GROUP, INC.,

Defendant.

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) **COMPLAINT**
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Plaintiff, MAERSK LINE, LIMITED ("MAERSK"), by its attorneys, George W. Wright & Associates, LLC, as and for a Complaint against defendant, NATIONAL AIR CARGO GROUP, INC., alleges upon information and belief as follows:

SUBJECT MATTER JURISDICTION

1. This is an admiralty and maritime claim pursuant to 28 U.S.C. Sec. 1333 and within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, annexed to the Federal Rules of Civil Procedure.

2. The subject matter jurisdiction of this Court is further based on diversity of citizenship between the parties pursuant to 28 U.S.C. Sec. 1332.

THE PARTIES

3. Plaintiff MAERSK is and was at all times relevant to this action a corporation organized and existing under the laws of Delaware and a U.S. flag contract carrier of U.S. Government property by water for hire with a principal office and place of business in Norfolk, Virginia.

4. Defendant, NATIONAL AIR CARGO GROUP, INC. (“NACG”) is and was at all times relevant to this action a corporation organized and existing under the laws of Florida and an air carrier and/or air freight forwarder with a principal office and principal place of business in Ypsilanti, Michigan.

5. NACG is subject to the personal jurisdiction of this Honorable Court as a result of its presence and conducting and/or transacting business in this State.

FACTUAL STATEMENT

6. During 2013 and 2014, NACG agreed to tender to MAERSK, and MAERSK agreed to carry, certain merchandise from ports in the United States to ports in foreign countries pursuant to a Subcontract Agreement, dated January 25, 2013, and Bill of Lading contracts of carriage in consideration of NACG’s agreement to pay ocean freight and other charges to MAERSK for the ocean transportation services it provided to defendant.

7. MAERSK duly performed all of its duties and obligations under the aforementioned Subcontract Agreement and Bills of Lading contracts of carriage and is legally and contractually entitled to receive payment of the agreed ocean freight and other charges due and owing from NACG.

8. MAERSK has regularly remitted invoices to NACG reflecting plaintiff’s charges for its ocean transportation services which defendant received and retained without objection or protest.

9. MAERSK has determined the amount that NACG owes MAERSK for the aforementioned ocean transportation services is approximately \$700,000.00.

10. NACG has breached its obligations to MAERSK and caused MAERSK to incur damages.

AS AND FOR A FIRST CAUSE OF ACTION

(Breach of Contract)

11. MAERSK repeats and realleges each and every allegation contained in paragraphs 1 through 10 herein.

12. Based on the foregoing facts, defendant NACG has breached its contractual obligation to pay MAERSK's ocean transportation freight and other charges totaling approximately \$700,000.00.

AS AND FOR A SECOND CAUSE OF ACTION

(Accounts Stated)

13. MAERSK repeats and realleges each and every allegation contained in paragraphs 1 through 12 herein.

14. Based on the foregoing facts, NACG is liable to MAERSK for accounts rendered and stated in the approximate sum of \$700,000.00.

WHEREFORE, plaintiff, MAERSK LINE, LIMITED, respectfully requests:

(A) That process in due form of law may issue against defendant NATIONAL AIR CARGO GROUP, INC. citing it to appear and answer the foregoing and, failing such appearance and answer, to have judgment by default against defendant;

(B) That judgment against defendant NATIONAL AIR CARGO GROUP, INC. be entered in favor of plaintiff, MAERSK LINE, LIMITED, for the principal amount due plaintiff, together with interest and costs; and

(C) For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff, MAERSK LINE, LIMITED, hereby demands a trial by jury.

Dated: New York, New York
August 8, 2016

GEORGE W. WRIGHT & ASSOCIATES, LLC
Attorneys for Plaintiff

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